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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,517	10/17/2003	Sei-won Hong	P2043US	2124

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EXAMINER	
LAVIN, CHRISTOPHER L	
ART UNIT	**PAPER NUMBER**
2624	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/688,517	HONG, SEI-WON	
	Examiner	Art Unit	
	Christopher L. Lavin	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/19/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Safai (6,167,469) and Cok (5,555,194).

In regards to claim 9, Safai discloses a digital camera (figure 1) which has onboard image editing tools (figure 3, col. 7, lines 31 – 50, and col. 7, line 66 – col. 8, line 8). Safai does not disclose what imaging editing tools are provided, but as Safai clearly is running on the Windows CE operating system (see figure 3) any program that could be made for a Windows computer would work on Safai. Safai does not teach of the particular retouching features, only that the "user of the digital camera [can] edit, retouch, or alter one or more stored pictures or images while they are stored in the camera". Using any typical photo-editing tool would therefore be obvious with regards to

Safai. Cok teaches (col. 1, line 21 – col. 2, line 30) of the typical approach for retouching images, which is often referred to as cloning or "rubber stamping" (from Photoshop).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to use the retouching techniques taught by Cok in the digital camera disclosed by Safai. Safai calls for retouching and Cok teaches the most common way of doing this. Using a cloning approach over a more complicated retouching technique will require less processing power, as cameras are not as powerful as personal computers processing power is an important consideration when selecting algorithms.

In regards to claim 10, The apparatus of claim 9, wherein the region retouch unit blurs the recognized image region and outputs the blurred image region (Cok, col. 2, lines 23 – 30).

In regards to claim 11, The apparatus of claim 9, wherein the region retouch unit comprises: a filter window forming unit for forming a first filter window having the same size as the recognized image region and outputting the formed first filter window (Cok, col. 1, lines 21 – 67); a filter window moving unit for moving the first filter window input from the filter window forming unit on a screen of the digital camera and outputting the moved result (Cok, col. 1, lines 21 – 67); a region copying unit for copying the image region on which the first filter window is disposed in response to receiving of the moved result of the first filter window, and outputting the copied image region (Cok, col. 1, lines 21 – 67); and a color information substituting unit for substituting the color information of the recognized image region with that of the copied image region in response to

receiving of the moved result of the first filter window including the copied image region from the filter window moving unit, and outputting the substituted image region (Cok, col. 1, lines 21 – 67).

In regards to claim 12, The apparatus of claim 11, wherein the filter window forming unit forms windows having several selective sizes (Cok, col. 1, lines 49 – 55).

In regards to claim 13, The apparatus of claim 11, wherein the region retouch unit further comprises: a peripheral region recognizing unit for recognizing a peripheral image region including the substituted image region in response to receiving of the substituted image region from the color information substituting unit, and outputting the recognized peripheral image region (Cok, col. 2, lines 22 – 30: Cok needs to identify the boundary region in order to blur it.); and a peripheral region blurring unit for blurring the recognized peripheral image region input from the peripheral region recognizing unit, and outputting the blurred peripheral image region (Cok, col. 2, lines 22 – 30).

In regards to claim 14, The apparatus of claim 9 further comprising a region expanding unit for expanding the recognized image region input from the region recognition unit and outputting the expanded image region, wherein the region retouch unit retouches the expanded image region input from the region expanding unit and outputs the retouched image region (Cok, col. 2, lines 22 – 30: By identifying the boundary region of retouch area Cok is finding an expanded image area.).

In regards to claim 15, The apparatus of claim 14, wherein the region retouch unit comprises: a detailed retouch region recognizing unit for recognizing the detailed retouch region in the expanded image region and outputting the recognized detailed

retouch region (Cok, col. 1, lines 49 – 55: Cok identifies the area to be retouched); and a detailed retouch region blurring unit for blurring the detailed retouch region input from the detailed retouch region recognizing unit and outputting the blurred detailed retouch region (Cok, col. 2, lines 22 – 30).

In regards to claims 16 – 18, claims 16 – 18 are rejected for the same reasons as claims 11 – 13. The argument analogous to that presented above for claims 11 – 13 is applicable to claims 16 – 18.

In regards to claims 1 – 8, claims 1 – 8 are rejected for the same reasons as claims 9 – 11, 13 – 16 and 18. The argument analogous to that presented above for claims 9 – 11, 13 – 16 and 18 is applicable to claims 1 – 8.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. http://www.lonestardigital.com/rubber_stamp.htm - Published 12/15/01 (see Way Back Machine Results at the end of the article for date information), this article is being provided to show cloning as a way to remove blemishes has been well known in and used for many years in the industry leading photo-editing tool, Adobe Photoshop.

6. US Pat. 4,577,219 – discloses one of the first cloning patents.

7. US Pat. H0,002,003 H – discloses another approach to blemish correction.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher L. Lavin whose telephone number is 571-272-7392. The examiner can normally be reached on M - F (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh M. Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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